

CLASSIFICATION OFFICE DECISION

Title of publication: Marion014.jpg

Other known title(s): Not stated

OFLC ref: 1000056.000

Medium: Computer Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Objectionable.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 17 February 2010

Date of direction to issue a label: No direction to issue a label has been issued

Summary of reasons for decision:

The computer image file explicitly depicts an adult man engaging a child in sexual activity and therefore promotes and supports the exploitation of children for sexual purposes and is deemed to be objectionable under s3(2)(a) of the Films, Videos, and Publications Classification Act 1993.

The image is evidence of sexual abuse. Its purpose is to titillate or arouse people with a sexual interest in children. Publications such as this encourage viewers to see children as sexually desirable and available for adult sexual gratification. The effect is to strengthen this sexual interest and encourage the sexual exploitation of vulnerable young children.

The classification of these publications interferes with the freedom of expression as set out in the the New Zealand Bill of Rights Act 1990, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of "a free and democratic society" to limit the availability of publications that promote and support the exploitation of children for sexual purposes.